

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 23, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Joseph Emery Malo, III Case Number: 0980 2:19CR00104-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: January 22, 2020

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Probation - 60 Months Type of Supervision: Supervised Release

Revocation Sentence: Prison - 2 Months;
(December 14, 2021) TSR - 34 Months

Asst. U.S. Attorney: Ann Wick Date Supervision Commenced: December 29, 2021

Defense Attorney: Christina Wong Date Supervision Expires: October 28, 2024

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/03/2022, and 06/17/2022.

On December 29, 2021, Mr. Malo signed his conditions relative to case number 2:19CR00104-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Malo was advised that he was to refrain from any unlawful use of a controlled substance.

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

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Mandatory Condition #3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Joseph Malo is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about June 7 and 9, 2022, based on urinalysis testing.

Specifically, on June 7, 2022, Mr. Malo reported to the contract provider in Spokane for random urinalysis testing following his assigned color being called by the provider. Mr. Malo subsequently submitted a presumptive positive urinalysis sample for methamphetamine. On June 8, 2022, a drug use denial form was received from the provider in which the client signed his name and checked the box denying any use of illicit substances

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as indicated by the test.

On June 9, 2022, the undersigned officer received notification from the contract urinalysis testing provider in Spokane, that the client had failed to attend random urinalysis testing with the contract provider when his assigned color was again called on June 8, 2022. Mr. Malo was subsequently contacted on the day in question and agreed to be present at his residence later for a scheduled home contact and urinalysis testing, among other things.

Mr. Malo was subsequently contacted at his residence by the undersigned officer, at which time he provided a urinalysis sample for testing that reflected as presumptive positive for both amphetamine and methamphetamine. Mr. Malo adamantly denied any use of either substance, indicating that he realized he was continuing to test positive for the substances, but he was unsure why. Mr. Malo denied associating with negative influences and indicated he had made a number of changes in his life so he did not fall back into previous bad habits.

On June 21, 2022, the lab report specific to the client's submitted urinalysis test on June 9, 2022, was received by the undersigned officer in which the sample was confirmed to be positive for both amphetamine and methamphetamine.

On June 23, 2022, the lab report specific to the client's submitted urinalysis test on June 7, 2022, was received by the undersigned officer in which the sample was confirmed to be positive for methamphetamine.

It should be noted that as of the date of this report, Mr. Malo has additionally submitted a presumptive positive urinalysis sample for amphetamine and methamphetamine with the contract provider in Spokane, on June 13, 2022. Mr. Malo continues to deny any use of the substances as indicated by the test. This test has since been forwarded to the laboratory for confirmation, but as of the date of this report the result has not been received by the undersigned officer. As a result, this conduct is not currently being alleged as a new violation at this time.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 23, 2022

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/23/2022

Date